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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000382

SIPDIS

STATE FOR EAP AND IO; PACOM FOR FPA

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [BM](#)

SUBJECT: BURMA: LAWYERS CONSULT WITH AUNG SAN SUU KYI; MORE NLD MIXED SIGNALS ON REGIME DIALOGUE

REF: A. RANGOON 254

[¶](#)B. RANGOON 367

[¶](#)C. RANGOON 381

Classified By: Political Officer Sean K. O'Neill for Reasons 1.4 (b) & (d)

Summary

[¶](#)1. (C) On June 22, the lawyers for Aung San Suu Kyi (ASSK) met with her at Insein prison to discuss her case. ASSK lawyer Nyan Win expects the Supreme Court will take at least one week to rule after hearing oral arguments on June 24 and that the trial court will likely not conduct any substantive business when it meets next on June 26. Nyan Win told us his client is in good health and spirits and is actively engaged in her legal defense. At the June 22 meeting ASSK briefly discussed her priorities in seeking revisions to the regime's constitution. Meanwhile, NLD Central Executive Committee (CEC) member Win Tin told us that any dialogue with the regime must start with the GOB reaching out directly to ASSK.

That is contrary to the recent message from another CEC member, and reflects continued differences within the NLD leadership on how to approach the regime. End Summary.

Lawyers Meet with ASSK

[¶](#)2. (C) On June 22, ASSK's lawyers met with their client and her two assistants at the Insein Prison guesthouse. ASSK lawyer and National League for Democracy (NLD) spokesman Nyan Win reported she is in good health and spirits and is actively engaged in her legal defense. Nyan Win said he expects the Supreme Court will take at least one week to issue its ruling after hearing oral arguments June 24 in the defense's appeal to admit two witnesses in ASSK's trial. As a result, he thinks the trial court will likely adjourn without conducting any substantive business when it next meets on June 26.

[¶](#)3. (C) Nyan Win reported that prison authorities conduct a security search of his possessions when he visits ASSK but do not inspect the papers he brings in and passes to ASSK. At the June 22 meeting, in addition to legal papers, he brought

ASSK copies of the Department's statement regarding her birthday as well as public messages of support posted on the website "64 for Suu Kyi." Nyan Win noted that typically no prison officials are present, although he and his colleagues assume the room is subject to electronic surveillance. This was the first opportunity for ASSK to consult with her lawyers outside of court since June 12.

ASSK on the Constitution

¶4. (C) Nyan Win said ASSK briefly discussed her views on the approach the NLD should take in seeking changes to the regime's constitution. (Note: the NLD in its April 2009 Shwegondaing Declaration announced that it would consider participating in the 2010 elections provided the regime releases all political prisoners, reviews and amends the constitution, and holds a free and fair election under international supervision (ref A) End note.) According to Nyan Win, ASSK believes the NLD's top priority should be to revise the provisions addressing how the constitution can be amended. NLD CEC member Win Tin (who did not meet with ASSK) told DCM he respectfully disagrees with ASSK's opinion and thinks that the party should instead first push to change the constitutional terms that enshrine the military's preeminent role in politics. However, both Win Tin and Nyan Win stressed that the party's leadership agrees on the need for a review and revision of the constitution before the party will consider participating in the 2010 elections.

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More Mixed Signals on How to Initiate Dialogue

¶5. (C) DCM informed Win Tin that the Charge has tried repeatedly to speak to the Labor Minister to pass on CEC member Khin Maung Swe's message that the NLD leadership had designated members Than Thun and Khin Maung Swe, plus an NLD lawyer, to represent the NLD for the beginning of a dialogue with the regime (Ref B). The CDA would continue to attempt to deliver the message. Win Tin expressed appreciation for the Charge's assistance.

Comment

¶6. (C) Khin Maung Swe had made clear his message was on instruction from NLD Chair Aung Shwe after a degree of consultation with ASSK, and he reported that initial discussion with the regime could take place between two designated CEC members and the regime at a ministerial or even less than ministerial level. Win Tin, while acknowledging the CEC willingness to engage, suggested that dialogue would have to start with the regime first speaking directly to ASSK. Only then would it be appropriate for other CEC members to engage with the GOB based on guidance they would need to receive from ASSK. When questioned, Win Tin admitted differences of opinion remain among CEC members on how to approach the regime. He added that reaching consensus is particularly difficult because the CEC does not often meet as a full group. Several members are sick and rarely come to the office.

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